

H. B. No. 195, to Committee on Education.

H. B. No. 194, to Committee on Jurisprudence.

H. B. No. 536, to Committee on Jurisprudence.

H. B. No. 416, to Committee on Water and Conservation.

H. B. No. 377, to Committee on State Affairs.

H. B. No. 340, to Committee on Water and Conservation.

H. B. No. 339, to Committee on State Affairs.

H. B. No. 280, to Committee on Jurisprudence.

H. B. No. 271, to Committee on Water and Conservation.

H. B. No. 148, to Committee on Jurisprudence.

H. B. No. 591, to Committee on State Affairs.

Senate Bill 133 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 133 was ordered not printed.

Adjournment

On motion of Senator Hardeman the Senate at 12:06 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, March 16, 1959.

Record of Votes

Senators Phillips, Herring and Krueger asked to be recorded as voting "Nay" on the motion to adjourn.

THIRTY-FOURTH DAY

(Monday, March 16, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fly
Baker	Fuller
Bradshaw	Gonzalez
Colson	Hardeman
Crump	Hazlewood
Dies	Herring

Hudson	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

Absent—Excused

Kazen Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

O Lord, when we would do good evil is present with us, and we wrestle, not against flesh and blood, but the powers of spiritual darkness. Teach us to put on the whole armor of light, that we may withstand the wiles of the wicked one. We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 12th, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Secrest.

Senator Kazen was granted leave of absence for today on account of important business on motion of Senator Crump.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 198, An Act to provide for election of members of the State Board of Education from Congressional districts as now or hereafter created; providing for election of members from Congressional districts as now organized at the General Election in 1960 and succeeding General Elections until the next Congressional Redistricting Act; preserving terms of members heretofore elected from

State Board of Education districts; providing for the number and terms of members following each Congressional Redistricting Act; making other provisions incidental to the foregoing changes; repealing conflicting laws; and declaring an emergency.

H. C. R. No. 13, Granting permission to George A. De Frese to sue the State of Texas and the West Texas State College at Canyon, Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Willis submitted the following reports:

Austin, Texas,
March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 114, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,
March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 120, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,
March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 196, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,
March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Edu-

cation, to whom was referred H. B. No. 380, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WILLIS, Chairman.

Austin, Texas,

March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 134, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,

March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 168, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,

March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 250, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,

March 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 223, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the attached Committee Substitute for Senate Bill 223 do pass and be printed.

WILLIS, Chairman.

C. S. S. B. No. 223 was read the first time.

Senator Aikin submitted the following reports:

Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 257, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 258, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
March 10, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 207, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Vice-Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 178, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Willis submitted the following report:

Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 352, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senate Bill 384 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Wood
Krueger	

Nays—1

Willis

Absent

Weinert

Absent—Excused

Kazen

Moore

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Parkhouse:

S. B. No. 384, A bill to be entitled "An Act to amend Article 9.11 of the Insurance Code of the State of Texas, Acts of the 52nd Legislature (1951) as amended by the 54th Legislature

(1955) requiring title insurance corporations to create and maintain unearned premium reserves by amending said section to provide that corporations writing title insurance in Texas shall, out of the gross premium on each and every policy issued on and after January 1, 1959, as to companies which have accumulated the maximum \$100,000.00 reserve provided for by said Article, deduct an amount equal to three percent (3%) of such premium as an unearned premium reserve; and that as to companies which have not accumulated the \$100,000.00 maximum reserve required under said Article, providing that there shall be deducted an amount equal to five percent (5%) of such premium as an unearned premium reserve until such maximum amount has been accumulated, at which time the accumulation shall continue at the rate of three percent (3%) of such premiums; and that as to all companies, out of the original risk rate charged on each and every policy issued on property outside the State of Texas, an amount equal to ten percent (10%) of such rate shall be deducted as an unearned premium reserve, unless the laws of such state outside the State of Texas require the same reserve, in which case this latter provision shall be inoperative; providing that at the end of each calendar year following the year in which the policy was issued, as to companies which have accumulated the maximum \$100,000.00 reserve, there shall be deducted one-twentieth (1/20th) of said sum so reserved, and that as to companies which have not accumulated the maximum \$100,000.00 reserve, there shall be deducted one-twentieth (1/20th) of all sums reserved thereafter, beginning at the end of the calendar year following the accumulation of the maximum \$100,000.00 reserve; providing that the sums accumulated under prior laws up to January 1, 1959, as to companies which have accumulated the maximum reserve of \$100,000.00, shall be reduced by withdrawing therefrom annually one-twentieth (1/20th) thereof, beginning at the end of the calendar year 1959 for a period of twenty (20) consecutive years, and that as to companies which have not accumulated the maximum reserve of \$100,000.00, said maximum reserve shall be reduced at the rate of one-twentieth (1/20th) thereof per year

for twenty (20) consecutive years, beginning at the end of the calendar year following the accumulation of said maximum reserve; providing that the term "premium" with respect to policies issued on properties in the State of Texas means the total amount of premium as provided by the State Board of Insurance of the State of Texas; providing that the reserve so created shall constitute unearned portions of such premiums and risk rate charges and shall be charged as a reserve liability of the company in determining its financial condition; providing that such reserves shall be held in cash or invested in first mortgage notes or such securities as are admissible for investment by life insurance companies under the laws of this state; providing that the provisions of such amended section shall apply to foreign insurance corporations doing business in the State of Texas unless under the laws of their domiciles they are required to set aside and maintain unearned premium reserves in amounts substantially the same as those required by this section; providing nothing contained in this Act shall affect or impair the requirements of Article 9.07 of said Insurance Code providing for deposits with the State Treasury or such other depository in the State of Texas as may be named by the company and approved by the State Board of Insurance, and declaring an emergency."

To the Committee on Insurance.

Motion to Place Senate Bill on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members of the Senate)

Yeas—17

Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Fly	Ratliff
Fuller	Roberts
Gonzalez	Secrest
Herring	Smith
Hudson	Wood
Lane	

Nays—8

Aikin	Martin
Baker	Phillips
Dies	Reagan
Krueger	Willis

Present—Not Voting

Rogers

Absent

Hardeman	Weinert
Hazlewood	

Absent—Excused

Kazen	Moore
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Senate Bill 385 on First Reading

Senator Wood moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Crump	Ratliff
Dies	Reagan
Fly	Roberts
Fuller	Rogers
Gonzalez	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Hardeman	Hazlewood
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Absent—Excused

Kazen	Moore
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Wood and Bradshaw:

S. B. No. 385, A bill to be entitled "An Act amending Article 7500a, Revised Civil Statutes of Texas of 1925, as amended; repealing conflicting laws; and declaring an emergency."

To the Committee on Water and Conservation.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. B. No. 33, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to exchange lands in Dallas County, Texas, and execute deeds with Southwestern Medical Foundation; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 35, Acts of the Regular Session of the 55th Legislature (Vernon's Annotated Civil Statutes, Article 1109-h) in reference to the construction and financing of water supply projects under contracts between eligible cities and river authorities and the financing by such cities of intakes, pumping stations and equipment, pipelines, treatment and filtration plants and intermediate and terminal reservoirs, and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof; validating governmental proceedings, providing that this act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency."

S. C. R. No. 30, In memory of Bobby James.

Senate Bill 386 on First Reading

Senator Wood moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fly
Baker	Fuller
Bradshaw	Gonzalez
Colson	Hardeman
Crump	Hazlewood
Dies	Herring

Hudson	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Wood:

S. B. No. 386, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 641, Acts of the 47th Legislature, Regular Session, 1941, and Article 1817 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts of the 55th Legislature, Regular Session, 1957, so as to create the Twelfth Supreme Judicial District, comprised of the Counties of Smith, Van Zandt, Henderson, Anderson, Houston, Freestone, Cherokee, Rusk, Nacogdoches, Shelby, Panola, Angelina, Hunt, Rains, San Augustine, Sabine, Wood, Upshur, Kaufman, Navarro, Leon, and Trinity, and to locate the Court of Civil Appeals thereof in the City of Tyler; providing for jurisdiction of cases; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

Senate Resolution 194

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Ray B. Ward and Mr. and Mrs. Herbert W. Gehring of El Paso; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved that their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bill 387 on First Reading

Senator Roberts moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Dies

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 387, A bill to be entitled "An Act amending Sections 1 and 2, Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, which is codified as Article 1370a in Vernon's Texas Penal Code, prohibiting the running at large of livestock on designated highways; providing immunity from liability for injuring unattended animals on designated highways, except for gross negligence or willful intent; providing certain exceptions; authorizing impoundment of unattended animals on designated highways and providing for their disposition; stating the effect of this Act on other laws providing for severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

Senate Bill 388 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Krueger	Wood
Lane	

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 388, A bill to be entitled "An Act amending subsections '(c),' '(d),' '(h)' and '(i)' of Article 908, of the Penal Code of Texas, 1925, as amended, relating to hunting on game preserves for pay; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 389 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hazlewood

Herring	Ratliff
Hudson	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood

Absent

Hardeman

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Owen:

S. B. No. 389, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including home-rule cities) or towns since the approval by the Governor of Texas of Chapter 164, Acts of the 52nd Legislature, Regular Session, 1951; validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental Acts, orders, ordinances, resolutions and other instruments relating to the issuance of time warrants and refunding bonds for such purposes, of counties, cities (including home-rule cities) and towns; providing that this Act shall not apply to any contract, scrip warrant or time warrant or to any refunding bond proceedings, governmental Acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000) according to the last preceding federal census, or any contract, scrip warrants or time warrants or any refunding bond proceedings, governmental Acts, orders, ordinances, resolutions or other instruments, or bonds the validity of which is now involved in litigation; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 390 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article

III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Krueger	Wood
Lane	

Absent

Hardeman Rogers

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 390, A bill to be entitled "An Act providing that no person against his or her will or consent, or that of guardian, next friend or parent, in an action involving personal injuries or mental condition, shall ever by any rule of procedure be required to furnish a medical or mental report or submit to physical or mental examination by any person or in any manner, at the instance or request of any party to such litigation, or by the trial court. A refusal to furnish such report or to submit to such physical or mental examination shall not be admissible in evidence, unless it be shown that the party requesting such report or physical or mental examination stipulates to liability, and that the only issue to be determined and tried is that of the amount to be awarded for such injuries; providing exception; repealing any law in conflict therewith; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 391 on First Reading

Senator Martin moved that Senate

Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood

Absent

Hardeman

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Martin:

S. B. No. 391, A bill to be entitled "An Act amending Article 2893 of the Revised Civil Statutes of Texas, 1925, as amended, relating to exemptions from the compulsory attendance statutes by adding thereto two new subsections; and declaring an emergency."

To the Committee on Education.

Senate Bill 392 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzalez
Crump	Hardeman

Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moffett	Weinert
Owen	Willis
Parkhouse	Wood
Phillips	

Absent—Excused

Kazen Moore

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Martin:

S. B. No. 392, A bill to be entitled "An Act amending Chapter 340, Section 24, Acts of the 49th Legislature, 1945, as amended by Chapter 30, Section 1, Acts of the 54th Legislature, 1955, compiled as Article 912a-24 of Vernon's Civil Statutes of Texas, providing that it shall not be unlawful for organized religious societies or sects to bury persons within church buildings owned by such societies or sects; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 195

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Lloyd Morgan and his daughter, Miss Margaret Morgan of El Campo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Senate Concurrent Resolution 32

Senator Martin offered the following resolution:

S. C. R. No. 32, Creating an Interim Legislative Committee to Study Problems of the Aged in Texas, Inter-

Departmental Committee on Aging, State-wide Conference, etc.

Whereas, Recognizing the distressing conditions under which many of the aged citizens of Texas and the nation are now living, the 55th Legislature of the State of Texas, at its Regular Session, 1957, by Senate Concurrent Resolution No. 60, created a special Legislative Committee to Study the Problems of the Aged Citizens of Texas, and directed the committee to report its findings and recommendations to the 56th Legislature; and

Whereas, The committee so created has conducted extensive research into the many aspects of this urgent problem, and in compliance with its instructions has submitted its report and recommendations to the 56th Legislature; and

Whereas, In its diligent pursuit of facts and statistics relating to present conditions and their contributing causes, the committee has found that a great deal of additional information, particularly from county and community levels, is needed in order to make further, specific remedial recommendations; and

Whereas, There exists a pressing need for closer coordination among the various existing State agencies concerning problems of our senior citizens; and

Whereas, It is the opinion of the Legislative Committee that much benefit would be gained by an exchange of ideas among the scores of private citizens and organizations in our State who share a zealous determination to restore dignity and purpose to the lives of the aged people of Texas; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That a successor committee be appointed to continue the work undertaken by the special Legislative Committee to Study Problems of the Aged in Texas which was created by the 55th Legislature; that the successor committee be composed of fifteen members to be named as follows: Five (5) members of the Senate, to be appointed by the President of the Senate; five (5) members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and five (5) outstanding citizens to be appointed by

the Governor of Texas; and be it further

Resolved, That the above mentioned successor committee be and it is hereby instructed to continue the study undertaken by its predecessor; that the committee conduct its study and make its recommendations to the next Legislature on the special problems of the aged in matters of, but not limited to, mental and physical health, housing, family relations, employment, income, vocational rehabilitation, recreation and education; and be it further

Resolved, That the Governor of Texas be and he is hereby requested to appoint on a continuing basis an Inter-Departmental Committee on Aging, to be comprised of representatives from each of the various State departments and agencies concerned with problems of the aged, the chairman to be designated by the Governor, for the purpose of coordinating the State's existing programs for our aged citizens; and be it further

Resolved, That the Governor of Texas be and he is hereby requested to call a State-wide conference during the year 1959 on the problems of the Aged in Texas, plans for such conference to be made and implemented by the Inter-Departmental Committee referred to hereinabove; and be it further

Resolved, That the members of the Legislature shall receive their actual expenses when in attendance upon the meetings of the aforementioned Legislative Committee on the Problems of the Aged, to accomplish the purposes set out herein; and said committee is empowered to effect its own organization and to adopt such procedure as the committee may deem necessary; said committee shall elect its own chairman and other officers; said committee is hereby authorized to request special reports and information from all governmental agencies that said committee may deem necessary; said committee may hold meetings or hearings at any place within the State of Texas; said committee shall make its recommendations to the Governor, the Legislature, and the People of Texas; and said committee is authorized within the limits of any appropriation made to employ necessary help to carry out the purposes of this resolution.

The resolution was read and was

referred to the Committee on State Affairs.

Senate Bill 9 with House Amendments

Senator Baker called S. B. No. 9 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood

Absent

Hardeman

Absent—Excused

Kazen

Moore

Senate Bill 305 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B. No. 305 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 305 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Crump
Baker	Gonzalez
Bradshaw	Hazlewood
Colson	Herring

Hudson	Ratliff
Krueger	Reagan
Lane	Roberts
Martin	Secrest
Moffett	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood

Nays—2

Fly	Fuller
Present—Not Voting	

Dies

Absent

Hardeman	Rogers
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Absent—Excused

Kazen	Moore
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The President laid before the Senate on its second reading and passage to engrossment

S. B. No. 305, A bill to be entitled "An Act amending Section 4 of the Acts of 1947, 50th Legislature, page 231, Chapter 135, by adding to Section 4 a provision that any city employee, whether a member of a union or not, may individually or collectively discuss with the governing body of the city or the officer or officers charged with the responsibility of hiring, appointing or dismissing employees of such city the terms and conditions of his or their employment without violating the public policy declared by the Legislature in the above entitled Act; and declaring an emergency."

The bill was read the second time.

Senator Parkhouse offered the following amendment to the bill:

Amend Section 1 of Senate Bill No. 305 by striking out all of Section 1 and inserting in lieu thereof the following:

Section 1. That Section 4 of the Acts of 1947, 50th Legislature, page 231, Chapter 135, be and is hereby amended by adding thereto the following:

"Any city employee, individually or collectively, with other city employees whether they be members of a labor organization or not shall have the right and privilege to discuss his or their terms and conditions of employment with the governing body of

a city or other officer or officers who are charged with the duty of employing, appointing or dismissing city employees."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 305 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 305 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Crump	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood

Nays—1

Fly

Present—Not Voting

Dies	Fuller
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Absent

Hardeman	Rogers
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Absent—Excused

Kazen	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Colson
Baker	Crump
Bradshaw	Gonzalez

Hazlewood	Phillips
Herring	Reagan
Hudson	Roberts
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Owen	Wood
Parkhouse	

Nays—3

Fly	Ratliff
Fuller	

Present—Not Voting

Dies

Absent

Hardeman	Rogers
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Absent—Excused

Kazen	Moore
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Message from the House

Hall of the House of Representatives
Austin, Texas,
March 16, 1959.

Hon. Ben Ramsey, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following:

The House has concurred in Senate
amendments to House Bill No. 66
by viva voce vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 74 on Second Reading

On motion of Senator Willis and by
unanimous consent, the regular order
of business was suspended to take up
for consideration at this time on its
Second Reading and passage to en-
grossment.

S. B. No. 74, A bill to be entitled
"An Act amending Section 5 of Chap-
ter 95, Acts of the 51st Legislature,
Regular Session, 1949, as amended
(Section 5 of Article 4590c. Vernon's
Texas Civil Statutes), relating to
fees payable to the State Board of
Examiners in the Basic Sciences by
applicants for certificates issued by
the Board; and declaring an emer-
gency."

The bill was read the second time.

Senator Fly offered the following
amendment to the bill:

Amend S. B. No. 74, Section 1 by
deleting all after the words "as fol-
lows:" and substituting in lieu there-
of the following:

"Section 5. Fees for examination by
the Board shall be Twenty-five Dol-
lars (\$25). The fee for re-examina-
tion within a twelve-month period
shall be Fifteen Dollars (\$15), but the
fee for re-examination after the
twelve-month period has expired shall
be the same as the original fee. The
fee for the issue of a certificate by
authority of waiver of examination
shall be Fifty Dollars (\$50). The fee
for the issue of a certificate by the
authority of reciprocity, in the qual-
ification as determined by the prop-
er agency of some other state or ter-
ritory or the District of Columbia,
shall be Fifty Dollars (\$50). All fees
shall be paid to the Board by the ap-
plicant when he files his application.
The Board shall pay all money re-
ceived as fees into the State Treas-
ury, where such money will be placed
in a special fund to be known as 'The
Basic Science Examination Fund.' All
money so received and placed in such
fund shall be used by the Board of
Examiners in the Basic Sciences in
paying its compensation and defray-
ing its expenses, and in administer-
ing, enforcing and carrying out the
provisions of the law, subject to the
amounts appropriated in the general
appropriation act. The Board may
hire such employees as are neces-
sary in carrying out the provisions
of the law as are provided in the
general appropriation act. The State
Treasurer shall pay out of the fund
the compensation of and expenses in-
curred by the Board on warrants
based upon vouchers signed by the
President and the Secretary of the
Board. Such compensation and ex-
penses shall be limited to the
amounts as are appropriated in the
general appropriation act."

The amendment was adopted.

On motion of Senator Willis and by
unanimous consent the caption was
amended to conform to the body of
the bill as amended.

The bill as amended was passed to
engrossment.

Senate Bill 74 on Third Reading

Senator Willis moved that the Con-

stitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent

Hardeman

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 73 on Second Reading

On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 73, A bill to be entitled "An Act amending Section 4 of Chapter 95, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended (Section 4 of Article 4590c, Vernon's Texas Civil Statutes), relating to organization, officers and compensation of the Texas Board of Examiners in the Basic Sciences; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 73 on Third Reading

Senator Willis moved that the Con-

stitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent

Hazlewood

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 47 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 47, A bill to be entitled "An Act amending Article 602, Penal Code of Texas, 1925, and adding a new Article to be numbered Article 602-A, so as to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of a wife in necessitous circumstances and to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of one's child or children under sixteen years of age; fixing a penalty; providing that a second conviction for a like offense and conviction for desert-

ing and leaving the state shall be a felony; providing for severance of any part of this Act held invalid; and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following Committee Amendment to the bill:

Amend S. B. 47, by changing the word "sixteen" in the caption to the word "eighteen."

The Committee Amendment was adopted.

Senator Krueger offered the following Committee Amendment to the bill:

Amend S. B. 47, Sec. 1, by striking out the word "sixteen" wherever the same appears therein and substituting in lieu thereof the word "eighteen."

The Committee Amendment was adopted.

Record of Votes

Senators Martin and Lane asked to be recorded as voting "Nay" on the adoption of the two above amendments.

The bill as amended was passed to engrossment.

Senate Bill 47 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood

Nays—1

Roberts

Absent

Hardeman Weinert
Rogers

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Martin, Lane and Roberts asked to be recorded as voting "Nay" on the final passage of S. B. No. 47.

Senate Bill 139 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 139, A bill to be entitled "An Act to amend Section 21 of Chapter 290, of the 41st Legislature, 1929, codified as Section 21, Article 2815h in Vernon's Texas Civil Statutes authorizing an Independent School District or Districts, a Common School District or Districts to be annexed to adjacent Junior College District for Junior College purposes only, severability clause, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 139 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Fuller

Gonzalez	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Owen	Wood

Absent

Hardeman	Rogers
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Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent

Hardeman	Rogers
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Absent—Excused

Moore

Senate Bill 314 on Second Reading

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 314, A bill to be entitled "An Act to amend subsections (b) and (c) of Section 3, of Article II of the Texas Liquor Control Act (also identified as subparagraphs (b) and (c) of Article 667-3, Vernon's Annotated Penal Code of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Willis asked to be recorded as voting "Nay" on the passage of S. B. No. 314 to engrossment.

Senate Bill 314 on Third Reading

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 314 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Baker	Martin
Colson	Moffett
Crump	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Nays—5

Bradshaw	Smith
Dies	Willis
Roberts	

Absent

Hardeman	Rogers
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Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Roberts, Willis, Ratliff, Dies and Smith asked to be recorded as voting "Nay" on the final passage of S. B. No. 314.

Senate Bill 142 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 142, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise certain properties in the City of Austin, Travis County, Texas; conferring upon the Board of Regents the power of eminent domain to acquire land for the use of the University; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 142 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 142 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest

Smith	Willis
Weinert	Wood

Absent

Hardeman	Rogers
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Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent

Hardeman	Rogers
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Absent—Excused

Moore

Adjournment

On motion of Senator Moffett the Senate at 12:03 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Sidney L. Samuels

Senator Willis offered the following resolution:

(Senate Resolution 192)

Whereas, The death of Sidney L. Samuels, of Tarrant County, Texas, marks the passing of a great humanitarian, scholar and intellectual leader from his high place in the State of Texas and the United States of America; and

Whereas, Mr. Samuels was a brilliant lawyer, statesman and orator; and

Whereas, He gave unstintingly of his time and talents, indeed his very life, in the service of Church, State and Society for the uplift of mankind; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this distinguished citizen, whose constructive influence pervades Texas and the entire South which he so dearly loved; therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of Sidney Samuels; that a copy of this resolution be sent to each member of his family; that a page in today's Journal be devoted to his memory; and that when the Senate adjourns today, it do so in memory and in honor of Sidney Samuels.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Lewis B. Taylor

Senator Herring offered the following resolution:

(Senate Resolution 193)

Whereas, In the untimely passing of Lewis B. Taylor on the thirty-first day of March, 1958, the State of Texas lost an outstanding citizen; and

Whereas, Lewis B. Taylor was an alumnus of Texas Agricultural and Mechanical College, having received both the Bachelor of Arts Degree and Master of Arts Degree from that institution; and

Whereas, Upon the creation of the office of Executive Secretary of the Vocational Agriculture Teachers Association of Texas ten years ago, Lewis B. Taylor was elected to that position and worked energetically and successfully in behalf of the hundreds of teachers whom he represented; and

Whereas, He took a special interest in the Future Farmers of America organization and gave generously of his time and talents to the farm youth of Texas; and

Whereas, Lewis B. Taylor served with distinction in an advisory capacity to many educational, fraternal and professional organizations in Texas, and was a member of the Hale-Aikin Committee of the 55th Legislature; and

Whereas, He is survived by his wife, Mrs. Blanche Taylor of Austin, Texas; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to recognize the many contributions and outstanding services of Lewis B. Taylor; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Journal of the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to Mrs. Blanche Taylor as a token of respect and sympathy.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Lane and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.